

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

U.S. TRUST COMPANY, N.A., in its capacity as Plan Administrator and Trustee of the Arthur D. Little, Inc Employees' MDT Retirement Plan,

Plaintiff,

v.

KARL P. FAGANS, and GARY BECK,
Defendants.

Civil Action
No. 05-CV-10013 (WGY)

APPLICATION FOR ENTRY OF DEFAULT

Pursuant to Fed. R. Civ. P. 55(a), plaintiff U.S. Trust Company, N.A. ("U.S. Trust") hereby requests that default be entered against defendants Karl P. Fagans ("Fagans") and Gary Beck ("Beck") based on their failure to plead or otherwise defend as provided by the Federal Rules of Civil Procedure. Fagans executed a Waiver of Service of Summons that was filed with the Court on May 2, 2005 (Docket Entry 3) acknowledging receipt of the Complaint and his understanding that Judgment may be entered against him if an answer or motion under Rule 12 was not timely served. Beck was served with the Complaint and Summons on April 7, 2005, as reflected on the Affidavit of Service filed with Court on May 2, 2005 (Docket Entry 4). Neither defendant has filed or served an Answer or motion under Rule 12. Indeed, the only submission to the Court in this action by either defendant is a letter from Fagans (Docket Entry 5) acknowledging his failure to file an answer.

WHEREFORE, U.S. Trust requests that default be entered against Fagans and Beck.

HARDCASTLE & SHOBER

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